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FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2019 MAR 25 PM 1:10
STEPHAN HARRIS, CLERK
CHEYENNE

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING, CHEYENNE DIVISION**

HOLLI LUNDAHL

Plaintiff

v.

VISHAL GARG in his personal
and official capacities, BETTER
MORTGAGE CORPORATION
and BOB BARKER

19 Civ. 42 (J)

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE PURSUANT TO
FRCP RULE 41(a)(1)(A)(i)**

COMES NOW Plaintiff and moves for dismissal of this action without prejudice pursuant FRCP rule 41(a)(1)(A)(i). While not required, the reasons for this voluntary dismissal without prejudice are:

(1) This action was deliberately transferred to federal judge Alan Johnson who is prohibited from sitting on any case involving Plaintiff;

(2) Better Mortgage reports that she is not licensed to originate mortgages in Wyoming and does not do so; hence general jurisdiction would be lacking in this action. Plaintiff was not aware that BETTER MORTGAGE did not have general contacts with this state in her online digital lending business and which was the basis for Plaintiff acquiring personal jurisdiction over BETTER MORTGAGE.

(3) It is true that Plaintiffs claims against Better Mortgage are based upon four allegations: 1) Better Mortgage "discriminated against Plaintiff as a protected disabled


person," Complaint ¶ 28, based in part upon its alleged refusal to acknowledge Plaintiff's third-party down payment assistance grants, see *id.* ¶ 16, 2) Better Mortgage refused to honor Plaintiff's locked in "points fee" to extort Plaintiff of more money coming into closing the transaction; (3) BETTER kept assessing high closing fees irrespective that all pre-pays and other escrow fees had already been paid in Plaintiff's pending escrow and Plaintiff only owed title and closing fees of \$1367 to close the transaction completely; and (4) BETTER declined to process Plaintiff's loan transaction because Plaintiff had insufficient cash coming into closing the escrow AFTER BETTER refused to process Plaintiff's FHLB grant as part of Plaintiff's purchase.

(4) Contrary to BETTER's claims, Plaintiff has alleged that GARG, the CEO of Better Mortgage, received numerous emails from Plaintiff complaining about BETTER's illegal and predatory lending processes and GARG did nothing to correct his company's illegal actions.

(5) Every month that BETTER fails to close the transaction as promised by the emailed communications between Plaintiff and BETTER, constitutes ongoing wire fraud. Presently the wire fraud activity is too short to state a RICO claim against BETTER.

(6) Although BETTER denies that Plaintiff can sue BETTER for not processing her grants, attached hereto as exhibit "1" is FANNIE MAE's regulations requiring the processing of grants.

Dated: March 19, 2019



Holli Lundahl

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